



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 20, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

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Acting Assistant Attorney General

SUBJECT:

Weekly Report for February 20, 2001 - February 23, 2001

**THE WEEK AHEAD**

**H.R. 525, the Preparedness Against Domestic Terrorism Act of 2001:** On February 20, OLA will accompany the FBI to meet with staff for Congressman Gilchrist, the sponsor of this bill. This staff discussion continues from last year but this meeting is considered a courtesy visit. (Daley)

**Peru:** The Senate Committee on Foreign Relations (Helms, Chair) has requested a staff briefing from this Department, the Department of State, and the Central Intelligence Agency on information sharing with Peru concerning former Peruvian President Alberto Fujimori and former intelligence chief Vladimiro Montecinos. The briefing is scheduled for February 22. (Tanner)

**Bureau of Prisons (BOP):** BOP staff plan to brief staff for the House Judiciary Crime Subcommittee on organ transplant issues on February 22. They are also trying to schedule a trip for Senator Biden's staff to the facility at Cumberland, Maryland, to see a facility which has a drug treatment program. BOP Director Hawk plans to invite the House Judiciary Crime Subcommittee Chairman and Ranking Minority Member to tour the Allenwood/Lewisburg prison. (Scott-Finan)

**Indian Land Claims:** On February 23, representatives from OLA, ENRD, and the Department of Interior will brief the staff from the House Native American Caucus and several Member offices on the background and status of several land claim cases collectively called the Arkansas Riverbed cases, which have been in litigation for more than 30 years. (Pearlman)

**Presidential Pardons of Marc Rich and Pincus Green:** On February 14, former Deputy Attorney General Eric Holder and Roger Adams, the Pardon Attorney, testified before the Senate Judiciary Committee about President Clinton's pardons of fugitives Marc Rich and Pincus Green. Jack Quinn, Marc Rich's attorney, and several constitutional scholars also testified. The testimony established that the usual pardon application procedures were not followed with regard to these and other pardons granted in the waning hours of the Clinton administration, which

fueled controversy about the actions. Senator Specter, who chaired the hearing, supports a constitutional amendment to limit the President's pardon power, but neither Republicans nor Democrats on the Committee agreed with this approach, although all of them roundly condemned the President's judgement in this matter. In advance of the hearing, we provided the Committee with information and documents, which satisfied their needs.

On March 1, the House Government Reform Committee (Burton, Chair) plans to hold a hearing on the Marc Rich and Pincus Green pardons. The Committee has invited former White House Counsel Beth Nolan, former Assistant to the President Bruce Lindsey, former White House Chief of Staff John Podesta and former White House Counsel and attorney for Marc Rich, Jack Quinn. On February 16, Chairman Burton sent a document request on this matter to the Marshals Service.

We are awaiting further information about whether the House Judiciary Committee plans a hearing for the end of February or early March on the pardons. (Burton, Thorsen)

**Federal Prison Industries:** Staff from the Bureau of Prisons met with staff for the House Judiciary Crime Subcommittee on February 20 to discuss federal prison industries. The meeting had been previously scheduled for February 14. (Scott-Finan)

**NDIC:** Congressman John Murtha will be touring the National Drug Intelligence Center (NDIC) in Johnstown, Pennsylvania, on February 21. The Congressman has been strongly supportive of NDIC. (Scott-Finan)

**Bankruptcy:** The Senate Judiciary Committee (Hatch, Chair) held a hearing on Bankruptcy Reform legislation, S. 220, on Thursday, February 8. The House Judiciary Committee (Sensenbrenner, Chair) held two days of hearings on February 7 and 8, on H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001. The House finished its markup of the bill on February 14, and voted the bill out of Committee 19-8. The Senate had scheduled a markup for Thursday, February 15, however, it was held over until after the President's Day recess. (Wilson)

## THE WEEK IN REVIEW

FOIA EXEMPTION (b)5

**Drug Enforcement Agency (DEA):** The House Committee on Government Reform (Burton, Chair) has completed interviews with four supervisory personnel connected with the DEA Office of Professional Responsibility process. DEA and OLA representatives were present for the interviews. [REDACTED]

OLA currently is assessing procedures for any future interviews of Department personnel by the Committee. (Tanner, Thorsen)

**Explanatory Memorandum to Council of Europe Draft Cyber Crime Convention:** Congressional notifications regarding the release of the explanatory memo were made to Senate staff who are following the progress of the convention. (Daley)

**Wen Ho Lee:** Deputy Assistant Attorney General Bruce Swartz from the Criminal Division met with Senate Intelligence Committee staff on February 15, joined by representatives from the FBI, to brief on matters related to this case. (Walter)

**Terrorism and Domestic Preparedness:** On February 14, the Government Reform Subcommittee on National Security, Veterans Affairs, and International Relations (Shays, Chair) received a briefing on the Five Year Plan and the role of the Department in counterterrorism. This continues an interest that the Subcommittee had during the 106<sup>th</sup> Congress, and this briefing is one in a series of those already conducted by the FBI. OLA coordinated participation from the Criminal Division's Terrorism and Violent Crime Section as well as the Office of Justice Programs. Congressman Shays is an original cosponsor of H.R. 525, the Preparedness Against Domestic Terrorism Act of 2001. The Department strongly opposed this legislation during the 106<sup>th</sup>. (Daley)